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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,038	01/29/2001	Alan F. McCartney	80168.0095.001	9024

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HOGAN & HARTSON LLP  
ONE TABOR CENTER, SUITE 1500  
1200 SEVENTEEN ST.  
DENVER, CO 80202

EXAMINER
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VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/772,038	<b>Applicant(s)</b> MCCARTNEY ET AL.	
	<b>Examiner</b> Gregory J. Vaughn	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14, 16, 17, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16, 17, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Application History*

1. This action is responsive to the application amendment, filed on 7/16/2004.
2. Applicant has cancelled claims 15, 18 and 19; amended claims 1, 4, 10 and 12; and added new claim 21.
3. Claims 1-14, 16-17 and 20-21 are pending in the case, claims 1 and 10 are independent claims.
4. Applicant has amended the specification and drawings in response to the objections cited by the examiner in the *Drawings* and *Specification* sections of the previous office action (dated 4/23/2004). Applicant's amendment has addressed the objections previously made, and therefore, in view of the amendment, objections to the drawings and specification are withdrawn.
5. Examiner's rejection of claim 4-8, made under 35 USC 112 in the *Claim Rejections – 35 USC 112* section of the previous office action (dated 4/23/2004) is withdrawn in view of the amendment to claim 4.
6. Examiner's rejections of claims 15 and 18-19, made under 35 USC 102, as being anticipated, as recited in the previous office action (dated 4/23/2004), are withdrawn in view of the cancelled claims.

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7. Examiner's rejections of claims 1-14, 16-17 and 20-21, made under 35 USC 102 or 35 USC 103, as being anticipated or unpatentable, as recited in the previous office action (dated 4/23/2004), are withdrawn as necessitated by amendment.

***Claim Objections***

8. Claim 20 is objected to because of the following informalities: claim 20 is dependent upon claim 19. Claim 19 has been cancelled with applicant's amendment of 7/16/2004. For purposes of examination, the examiner will consider claim 20 as dependent upon claim 10. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*“(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.”*

10. Claims 1-3, 9-12, 16-17 and 20-21 are rejected under 35 U.S.C. 102(a) as being unpatentable over Michael Floyd, “Building an XML Workbench” published by New Architect Online, May 1999 (hereinafter Floyd) in view of Mohr et al. US Patent 6,826,727, filed 11/24/1999, patented 11/30/2004. (Note: references to Floyd in this action are made using the page and paragraph marks created by the applicant in the applicant’s IDS submitted version of Floyd’s paper.)

11. **Regarding independent claim 1**, Floyd discloses receiving a request for content, identifying a client capability, selecting an XSL style sheet and selecting a requested XML document, merging the style sheet and the XML document and transmitting the resultant document. Floyd recites: *“The final tool, XML Enabler, is a servlet that takes a HTTP request from a browser, and uses information in the HTTP header to determine which type of browser made the request. The servlet then selects an XSL style sheet from a collection of style sheets, transforms the data into HTML, and sends it back in*

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*a response*" (page 5, paragraph 5) and: *"a system that stores its documents in XML format, then uses XSL to dynamically transform these documents"* (page 1, paragraph 3).

Floyd fails to explicitly define the client capabilities used in the publishing process. Mohr discloses the use of specific client capabilities in a publishing process. Mohr recites: *"Next, if possible, step 484 queries the client computer 472 to find out its screen size and if possible other parameters about it, such as the browser it is using. If such information cannot be obtained the job will be run with default values that are considered to provide the best overall results for most client computers. If the query does provide information, such as screen size, the dynamically created web pages can be sized to such a resolution"* (column 40, lines 13-20).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to combine the document publishing based upon client capabilities, as taught by Floyd, with the explicit client properties described by Mohr in order to provide a publishing system that adapts to specific client capabilities.

12. **Regarding dependent claim 2**, Floyd discloses a request for a web page.

Floyd recites: *"a servlet that takes a HTTP request from a browser"* (page 5, paragraph 5).

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13. **Regarding dependent claim 3**, Floyd recites: "*a system that stores its documents in XML format, then uses XSL to dynamically transform these documents*" (page 1, paragraph 3).
14. **Regarding dependent claim 9**, the claim is rejected for fully incorporating the deficiencies of the base claim.
15. **Regarding independent claim 10**, the claim is directed toward a system for the method of claim 1, and is rejected using the same rationale.
16. **Regarding dependent claim 11**, the claim is directed toward a system for the method of claim 2, and is rejected using the same rationale.
17. **Regarding dependent claim 12**, the claim is directed toward a system for the method of claim 3, and is rejected using the same rationale.
18. **Regarding dependent claims 16 and 17**, Floyd recites: "*You can even define an XSL style sheet for each brand of browser you intend to support, and with a little browser detection serve HTML optimized for that specific browser*" (page 1, paragraph 3).
19. **Regarding dependent claim 20**, the claim is directed toward limitations substantially the same as limitation recited in claim 1, and is rejected using the same rationale.
20. **Regarding independent claim 21**, the claim is directed toward a system for the method of claim 20, and is rejected using the same rationale.

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21. Claims 4-8 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Floyd in view of Fields et al. US Patent 6,605,120 filed 12/10/1998, patented 8/12/2003 (hereinafter Fields).
22. **Regarding dependent claims 4-8**, Floyd discloses the dynamic publishing of a web page using an XSL style sheet and an XML source document as described above. Floyd fails to disclose the caching of the generated web page, the XSL style sheet or the XML source document or using these cached components. Fields teaches caching the web page, the XSL style sheet and the XML source document. Fields discloses "*Cached Pages*" in Figure 2 at reference sign 131. Fields discloses "*Cache Page Parts*" in figure 5A at reference sign 423 (compare "*Page Parts*" to "*XSL style sheets and XML source*"). Fields teaches the selective use of cached elements. Fields recites: "*The invention encompasses several variations in the types of information parsed from the page and cached locally. Some of this information may be incorporated in the recast HTML page and some may be used for version checking*" (column 5, lines 45-47).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made, to combine the dynamic publishing of web pages of Floyd with the caching of web pages and their components of Fields, because "*The aim of caching pass-through web content is to maximize efficiency by minimizing network bandwidth requirements while preserving the transparency of the transaction*" (Fields, column 6, lines 10-13).



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23. **Regarding dependent claims 13 and 14**, the claims are directed toward a system for the method of claims 4-8, and are rejected using the same rationale.

***Response to Arguments***

24. Applicant's arguments with respect to claims 1-14, 16-17 and 20-21 have been considered but are moot in view of the new ground(s) of rejection described above.

***Conclusion***

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn  
January 6, 2005



STEPHEN HONG  
SUPERVISORY PATENT EXAMINER